

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte IHOR WACYK

Application No. 09/903,882

MAILED

SEP 19 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

- (1) The Examiner mailed an Examiner's Answer on February 24, 2005 that seems to have been drafted under 37 CFR § 1.192(c). However, 37 CFR § 1.192 was abolished on September 13, 2004, and replaced by 37 CFR § 41.37, and as such the answer should have been drafted according to the 37 CFR § 41.37 standards. A substitute examiner's answer in compliance with the new rules is required.

(2) Appellant filed an Information Disclosure Statement (IDS) on July 12, 2001.

According to MPEP § 609 C(2) (Eighth Ed., Rev. 2, May 2004):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

Although the examiner has signed and dated the 1449 the examiner has not initialed next to the reference thereon as required by MPEP § 609 C(2) as noted above.

Accordingly, it is

ORDERED that the application is returned to the Examiner to

a) vacate the Examiner's Answer mailed February 24, 2005, and issue a supplemental Examiner's Answer in accordance with the new rules effective September 13, 2004,

b) initial next to and/or draw a line through the reference listed on the 1449 of the IDS filed July 12, 2001, and to mail a copy of the corrected IDS to appellant,

c) and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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